

DAVID D. FISCHER (SBN 224900)
LAW OFFICES OF DAVID D. FISCHER, APC
5701 Lonetree Blvd. Suite 312
Rocklin, CA 95765
Tel. (916) 447-8600
Fax (916) 930-6482
E-mail: david.fischer@fischerlawoffice.com

Attorney for Defendant
ASHLEY LEYBA

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ASHLEY LEYBA,

Defendant.

No. 2:22-CR-0098 WBS
2:17-CR-0051 WBS

STIPULATION AND ORDER
CONTINUING THE STATUS
CONFERENCE TO AUGUST 8, 2022, AT
9:00 A.M.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED between the defendant, Ashley Leyba, by and through her undersigned defense counsel, and the United States of America, by and through its counsel, Elliot Wong, Assistant U.S. Attorney, that the status conference presently set for June 27, 2022, should be continued to August 8, 2022, and that time under the Speedy Trial Act should be excluded from between those

1 dates under Local Code T4. Additionally, the parties request that the admit or deny
2 hearing for the supervised release violation petition be continued to the same date.

3 The parties agree and stipulate, and request the Court find that the government
4 has produced the first batch of discovery in this case so far consists of certain
5 investigative reports, criminal history information, and other materials.

6 The continuance is necessary to allow the defendant to review discovery,
7 conduct investigation, prepare for trial, and ensure continuity of counsel. Accordingly,
8 the time between June 27, 2022, and August 8, 2022, inclusive, should be excluded
9 from the Speedy Trial calculation pursuant to Title 18, United States Code, Section
10 3161(h)(7)(B)(iv) and Local Code T-4 for defense preparation. Counsel for defendant
11 believes that failure to grant the above-requested continuance would deny him the
12 reasonable time necessary for effective preparation, taking into account the exercise of
13 due diligence. The parties stipulate that the ends of justice served by granting this
14 continuance outweigh the best interests of the public and the defendant in a speedy trial.
15 18 U.S.C. §3161(h)(7)(A).

16 Nothing in this stipulation and order shall preclude a finding that other
17 provisions of the Speedy Trial Act dictate that additional time periods are excludable
18 from the period within which a trial must commence.

19
20 IT IS SO STIPULATED

21 Dated: June 22, 2022

22 PHILLIP TALBERT
23 US ATTORNEY

24 /s/ Elliot Wong
25 ELLIOT WONG
26 Assistant U.S. Attorney
27 Attorney for Plaintiff
28

Dated: June 22, 2022

/s/ David D. Fischer
DAVID D. FISCHER
Attorney for Defendant
ASHLEY LEYBA

FINDINGS AND ORDER

The Court has read and considered the Stipulation to Continue Status Conference and Exclude Time Under Speedy Trial Act filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that provide good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.


The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

The Court further orders that the Status conference presently set for June 27, 2022 in case 2:22cr00098-WBS is continued to August 8, 2022 at 9:00 a.m., and that time under the Speedy Trial Act is excluded from June 27, 2022 to August 8, 2022 under Local Code T4. Additionally, the Admit or Deny Hearing for the supervised release violation petition in case 2:17cr00051-WBS is continued from June 27, 2022 to August 8, 2022 at 9:00 a.m.

Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which trial must commence.

IT IS SO FOUND AND ORDERED.

Dated: June 23, 2022


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE